

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

FREDERICK A. MOORE, JR.,

:  
Plaintiff,

:  
vs.

Case No. 3:13cv147

LABOR READY,

:  
JUDGE WALTER H. RICE

:  
Defendant.

---

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
(DOC. #5) OF UNITED STATES MAGISTRATE JUDGE IN THEIR ENTIRETY  
AND OVERRULING PLAINTIFF'S INITIAL (DOC. #6) AND SUPPLEMENTAL  
OBJECTIONS (DOC. #11) TO SAID JUDICIAL FILING; CAPTIONED CAUSE  
DISMISSED, WITHOUT PREJUDICE, PURSUANT TO 28 U.S.C. § 1915  
(e)(2)(B); CERTIFICATE OF APPEALABILITY AND ANTICIPATED REQUEST  
TO APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

---

Based upon the reasoning and citations of authority set forth in the Magistrate Judge's Report and Recommendations (Doc. #5), as well as upon a thorough review of the applicable law and the entirety of this Court's file, said Report and Recommendations are adopted in their entirety. Plaintiff's Initial (Doc. #6) and Supplemental (Doc. #11) Objections are overruled. The captioned cause is dismissed, without prejudice.

Given that reasonable jurists would not differ from this Court's conclusions reached herein, this Court herein denies a certificate of appealability. Moreover, given that any appeal from this Court's opinion would be objectively frivolous, this Court denies

an anticipated request for leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

June 24, 2013



---

WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Fredrick A. Moore, Jr., *Pro Se*  
Counsel of record